

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**IN RE AQUA DOTS PRODUCTS
LIABILITY LITIGATION**

Case No. 08 CV 2364

**THE HONORABLE DAVID H. COAR
MAGISTRATE JUDGE SUSAN E. COX**

**UNOPPOSED MOTION OF SPIN MASTER LTD., SPIN MASTER, INC. AND
TARGET CORPORATION FOR LEAVE TO FILE OVERSIZED MEMORANDUM**

Defendants Spin Master Ltd., Spin Master, Inc., and Target Corporation (collectively “Defendants”), by their attorneys, respectfully request leave of the Court to file an oversized memorandum in support of their Rule 12 motion to dismiss Plaintiffs’ claims, and in support thereof state as follows:

1. This MDL proceeding started with nine separate class action complaints. Plaintiffs in those cases combined their claims into a single Consolidated Amended Class Action Complaint (the “Consolidated Complaint”) brought by twelve individual Plaintiffs. The Spin Master and Target Defendants are required to file their Rule 12 motion on Friday, June 27. (Defendants Wal-Mart Corporation and Toys ‘R’ Us were first named in this case in the Consolidated Complaint, filed on May 30, and no response is due from them at this time.)

2. The Consolidated Complaint sets forth nine separate causes of action, one under the Consumer Product Safety Act and eight under state statutory and common law. Because the named Plaintiffs reside and purchased their products in nine different states, a motion under Rule 12 requires discussion of nine states’ laws for each of the state law claims. In light of these issues and despite their best efforts, Defendants are unable to prepare a memorandum that meaningfully addresses Plaintiffs’ claims within the 15-page limit. In order to do that Defendants believe they need to be able to submit a memorandum supporting their Rule 12

motion that is 40 pages in length.

3. As of the filing of this motion, Defendants' counsel has conferred with one of the co-lead counsel for Plaintiffs, Ben Barnow, who said he does not oppose this request. This request is being made in good faith and not for any improper purpose.

4. Defendants therefore request that this Court grant them leave to exceed the 15-page limit set by Local Rule 7.1 by 25 pages. To comply with Local Rule 7.1, Defendants' Memorandum in Support of Their Motion to Dismiss would include both a table of contents and a table of authorities.

WHEREFORE, for the foregoing reasons, Defendants respectfully requests leave to file a Memorandum in Support of Their Motion to Dismiss Plaintiffs' Consolidated Complaint that exceeds fifteen pages.

Dated: June 23, 2008

Respectfully submitted,

SPIN MASTER LTD.,
SPIN MASTER, INC. and TARGET
CORPORATION

By: /s/ Thomas J. Wiegand
One of their attorneys

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on June 23, 2008, I filed the above and foregoing with the Court's ECF system and by doing so served a copy on all the parties.

/s/ Thomas J. Wiegand
ATTORNEY FOR SPIN MASTER LTD.,
SPIN MASTER, INC. AND
TARGET CORPORATION